

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

DESTINY BAILEY, individually and
on behalf of all similarly situated,

Plaintiff,

vs.

NEON COWBOY LOUNGE, INC. et
al,

Defendants.

CIVIL ACTION

FILE NO. 5:18-CV-00128-TES

FLSA COLLECTIVE ACTION

**SECOND CONSENT MOTION OF THE PARTIES TO APPROVE
SETTLEMENTS OF CLAIMS ARISING UNDER THE FAIR LABOR
STANDARDS ACT**

I. THE RELIEF REQUESTED.

The Plaintiff, Destiny Bailey, and opt-in plaintiffs Brianna Bridgeman, Heather Chrisley, Briyonna Floyd, and Isabella Uresti, and the Defendants, Neon Cowboy Lounge, Inc., John Chamber, and Veeda Chambers, through their respective counsel, jointly move this Court in accordance with Eleventh Circuit case law requiring trial court approval of all settlements in Fair Labor Standards Act ("FLSA") cases to enter an order approving written settlement agreements with Plaintiff Bailey, and opt-in plaintiffs Bridgeman, Chrisley, Floyd, and Uresti.

II. SUMMARY OF THE GROUNDS FOR THE MOTION.

The summary of the grounds for the motion are that:

1. Respective counsel for Plaintiff Bailey and opt-in plaintiffs Bridgeman, Chrisley, Floyd, and Uresti on the one part, and counsel for Defendants Neon Cowboy Lounge, Inc., John Chamber, and Veeda Chambers negotiated a settlement for each plaintiff, filed a motion to approve the settlements, and submitted copies of the settlement agreements.
2. This Court denied approval of the aforementioned settlement agreements without prejudice in an order entered on March 18, 2019 [Docket no. 34]. The Court denied the settlement agreements on the grounds that they contained language of pervasive release and a covenant not to sue. The Court did not deny the motion or reject the settlement agreements on any other grounds.
3. The parties therefore revised the written settlement agreements and eliminated the broad release language and covenant not to sue that caused denial of the prior motion. The settlement agreements now contain only narrow release language pertaining to only to claims arising under the FLSA through the date of settlement.

III. CERTIFICATION OF COUNSEL.

The undersigned counsel certify that the five (5) draft settlement agreements for Plaintiffs Bailey, Bridgeman, Chrisley, Floyd, and Uresti submitted with this motion are the agreements that will be executed by the parties and will control the settlement among the parties. The Defendants' counsel represented to the Court on Friday, April 12, 2019 that Defendants John and Veeda Chambers would sign the documents over the weekend and return them by Monday, April 15, 2019. The parties anticipated submitting the executed documents with this motion, but the parties are forced to alter their plans due to the hospitalization of Defendant John Chambers over the weekend. Therefore, the undersigned counsel for the parties request that the Court review the proposed settlements in the form submitted.

WHEREFORE, the Parties request that this Court grant their motion and approve each the separate, written settlement agreement for each of the aforementioned plaintiffs.

This 16th day of April, 2019.

Dudley Law, LLC

/s/ Ainsworth G. Dudley
Ainsworth Dudley, Bar No. 237415
Attorney for Plaintiff

Suite 200, Building One
4200 Northside Parkway
Atlanta, GA 30327
Tel. (404)-687-8205
adudleylaw@gmail.com

Vince Tilley, P.C.

s/ Vincent M. Tilley

Vincent Tilley, Ga. Bar No. 712237
Co-counsel For Plaintiff

Suite 200
1870 The Exchange
Atlanta, GA 30339
Tel. (770)-989-7334
vtalley@lawnet.org

Begner & Begner, P.C.

/s/ Eric A. Coffelt

Eric A. Coffelt, Ga. Bar No. 252705
Co-Counsel For Defendants

5180 Roswell Road
South Building, Suite 100
Atlanta, Georgia 30342
Tel. (404)-531-0103
ecoffelt@begnerlaw.com

CERTIFICATE OF SERVICE

The undersigned counsel certifies that this date, he electronically filed the attached and foregoing *Consent Motion To Approve Settlement* with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filings to all attorneys of record.

This 16th day of April, 2019.

Vince Tilley, P.C.

s/ Vincent M. Tilley
Vince Tilley, Ga. Bar No. 712237
Co-Counsel For Plaintiff

Suite 200
1870 The Exchange
Atlanta, GA 30339
Tel. (770)-989-7334
vtalley@lawnet.org